

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAMELA SWANSON,	)	Case No. _____
	)	
Plaintiff,	)	
	)	
vs.	)	COMPLAINT AND PRAECIPE
	)	
OMAHA PUBLIC SCHOOLS,	)	
	)	
Defendant.	)	

Plaintiff alleges:

**Jurisdiction**

1. Plaintiff is a resident of Lavista, Sarpy County, Nebraska;
2. Defendant is a public school district based in Omaha, Nebraska.
3. At all times relevant to this complaint the defendant was employed by the defendant.
4. The plaintiff is bringing a complaint under the Americans with Disabilities Act and the Family and Medical Leave Act.
5. That plaintiff has filed a of discrimination with the EEOC and has otherwise exhausted administrative remedies.

**Facts**

6. Plaintiff incorporates Paragraph 1-5 into the statement of facts.
7. That plaintiff has an impairment to her right knee that effects major life activities.
8. That plaintiff was employed as an Education Technician IV in the Library Services Department.
9. That plaintiff's disability is a related to a work injury.
10. That the plaintiff exercised her rights under the Nebraska Workers' Compensation Act.

11. That the defendant refused to allow plaintiff to return to her position in Library Services despite plaintiff's efforts to work with the plaintiff to accommodate her disability.

12. That plaintiff was able to perform the essential function of her job in the library services department with or without a reasonable accommodation.

13. That the defendant transferred plaintiff to a job collecting school lunch debt that paid materially less and had less desirable job duties.

14. That plaintiff was forced to compete with other non-disabled workers for open jobs.

15. That the defendant forced the plaintiff to take unpaid leave rather than accommodate her disability.

#### Count 1

16. That the defendant interfered with the right of the plaintiff to exercise her rights under the Family Medical Leave Act by forcing her to take unpaid leave instead of working to reasonably accommodate her disability.

17. That the action described above was done willfully by the defendant with knowledge that practice was unlawful.

#### Counts 2

18. That the defendant discriminated against the plaintiff by refusing to reasonably accommodate her disability

#### Count 3

19. That the defendant retaliated against the plaintiff for asserting her rights under the Americans with Disabilities Act.

20. That all acts of discrimination alleged in Counts 2 and 3 are ongoing as plaintiff continues to work in a lower paying and less desirable position as described in Paragraph 13.

#### **Demand for Relief**

Plaintiff asks for trial by jury to determine the liability of the parties and asks that this court award all relief available under the law.

PAMELA SWANSON, Plaintiff

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